IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA EASTERN DIVISION

CITIFINANCIAL MORTGAGE COMPANY,)
INC., n/k/a CITIMORTGAGE, INC.,)
)
PLAINTIFF,)
)
V.) CV: 3:06cv899-MHT
)
ALPHA SMITH and VERA M. SMITH,)
)
DEFENDANTS.)

REPORT OF PARTIES' PLANNING MEETING

- 1. Pursuant to Federal Rule Civil Procedure 26(f), on November 21, 2006, Elizabeth B. Shirley, on behalf of Plaintiff CitiFinancial Mortgage Company, Inc., n/k/a Citimortgage, Inc., and Charles James, II, on behalf of Defendants Alpha and Vera Smith, conferred regarding the above-styled case.
- 2 Pre-Discovery Disclosures: The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by December 21, 2006.
- 3. Discovery Plan. The parties jointly propose to the court the following discovery plan:
 - a. Plaintiff will need discovery on the following subjects: Alpha Smith's March 11, 2004, loan transaction and arbitration agreement with CitiFinancial Corporation, LLC, and Defendants' claims in *Smith v. CitiFinancial Mortgage*, CV-06-84, in the Circuit Court of Macon County, Alabama (or the "Underlying Action").

- b. Defendants will need discovery on the following subjects: Alpha Smith's
 March 11, 2004, loan transaction and arbitration agreement with
 CitiFinancial Corporation, LLC.
- c. All discovery commenced in time to be completed by May 31, 2007.
- d. Maximum of 30 interrogatories by each party to any other party.
 Responses are due within thirty (30) days after service.
- e. Maximum number of 25 requests for admission by each party to any other party. Responses are due within thirty (30) days after service.
- f. Depositions limited to 5 per side (excluding expert depositions) and limited to a maximum of 7 hours unless extended by agreement of parties.
- g. Reports from retained experts under Rule 26(a)(2) due from Plaintiff by April 2, 2007, and from Defendants by April 16, 2007.
- h. Supplementations under Rule 26(e) due by March 26, 2007.

4. Other Items.

- a. The parties do not request a conference with the Court before entry of the scheduling order.
- b. The parties request a pretrial conference thirty days before trial.
- c. The Plaintiff and Defendants should be allowed until March 19, 2007 to join additional parties and to amend the pleadings.
- d. All potentially dispositive motions should be filed by July 30, 2007.
- e. Settlement cannot be evaluated at this time.
- f. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due fourteen (14) days before trial.

- Parties should have ten (10) days after service of final lists of witnesses g. and exhibits to list objections under Rule 26(a)(3).
- This case should be ready for trial by November, 2007 and at this time is h. expected to take approximately 2 days.

Date: November 21, 2006

s/ Elizabeth B. Shirley Elizabeth B. Shirley (BOSQE5958) One of the attorneys for Plaintiff CitiFinancial Mortgage Company, Inc., n/k/a Citimortgage, Inc.

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s/ Charles James, II Charles James (JAM028) One of the attorneys for Defendants Alpha and Vera Smith

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